

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. 2:15-MD-02641DGC

**SECOND AMENDED MASTER
SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR JURY
TRIAL**

SECOND AMENDED SHORT FORM COMPLAINT

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Felicia Thomas

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

Johnny Thomas

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
the time of implant:

Georgia

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Georgia

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Georgia

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Middle District of Georgia

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®]X) Vena Cava Filter

☒ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☐ Other: _____

11. Date of Implantation as to each product:

December 20, 2011

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence Per Se

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

1 X Count XIII: Fraudulent Concealment

2 X Count XIV: Violations of Applicable Georgia (insert state)

3 Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
4 Practices

5 ~~X~~ Count XV: Loss of Consortium

6 ☐ Count XVI: Wrongful Death

7 ☐ Count XVII: Survival

8 X Punitive Damages

9 ☐ Other(s): _____ (please state the facts supporting
10 this Count in the space immediately below)

11 _____
12 _____
13 _____
14 _____
15 _____

16
17 13. Jury Trial demanded for all issues so triable?

18 X Yes

19 ☐ No
20
21
22

1 RESPECTFULLY SUBMITTED this 6th day of February 2019.

2 TAUTFEST BOND, PLLC

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4 Monte Bond

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11 By: /s/ Jessica Glitz

12 Jessica Glitz

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19 Attorneys for the Plaintiff

20 I hereby certify that on this 6th day of February 2019, I electronically transmitted
21 the attached document to the Clerk's Office using the CM/ECF System for filing and
22 transmittal of a Notice of Electronic Filing.

/s/ Monte Bond

/s/ Jessica Glitz